IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15651 of 2004

Between:

B. Naga Raju S/o late B. Manikyam
R/o Ewsh 59, APHB Colony, Moula Ali, Hyderabad

..... PETITIONER

AND

1. The Chairman & chief Executive Nuclear Fuel Complex, ECIL (Post) Government of India, Hyderabad

2. The Administrative Officer-III, Government of India, Department of Atomic Energy, NUCLEAR FUEL Complex, ECIL (Post) Hyderabad

.....RESPONDENS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction to declare the proceedings of the 2nd respondent issued in Ref. NFC/PAR-I/03/31/397, dated 7-5-2004 as illegal arbitrary, unreasonable and violative of Article 14 of the Constitution of India by setting a side the same and consequently direct the respondents to appoint the petitioner in any suitable post forthwith.

Counsel for the Petitioner: MR.P.PANKAJ REDDY

Counsel for the Respondent Nos.1 and 2: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following at the admission stage:

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15651 of 2004

ORDER:

The petitioner claims that he is the son of late B.Manikyam, who was an employee in the respondents organization. The said Manikyam died in harness on 12-03-2000 while in service. Subsequently, the petitioner being the son of the said Manikyam submitted an application on 30-03-2000 to the 1st respondent requesting to appoint him in a suitable post on compassionate grounds.

2. On 08-07-2000 the 2nd respondent addressed a letter to the mother of the petitioner to furnish certain information with regard to the reasons for submission of application and accordingly it was furnished along with the monthly source of income of the brother of the petitioner etc., The 2nd respondent also addressed another letter on 23-01-2001 to the mother of the petitioner to clarify the employment details of the brother of the petitioner to enable them to further process. Ultimately, the 2nd respondent rejected the request of the petitioner for compassionate appointment through the proceedings dated 07-05-2004 on the ground that the petitioner is not entitled for employment in view of the Judgment of the Supreme Court rendered in ***UMESH KUMAR NAGPAL v. STATE OF***

HARYANA.

3. The grievance of the petitioner is that the 2nd respondent without taking into consideration the financial position of the family, the presentation of the application within time and the other circumstances explained by the petitioner and his mother, simply basing on the Judgment of the Supreme Court, passed the impugned order. Therefore, it is liable to be set aside.

4. After carefully going through the proceedings of the 2nd respondent dated 07-05-2004, it is noticed that the Honourable Supreme Court in its Judgment dated 04-05-1994, gave broad guide lines for consideration of the applications for compassionate appointment and clarified that it is not a valid right which can be exercised at any time even after lapse of time and also referred to an official memo of the Government of India vide OM.No.14014/18/2000 Estt (D) dated 22-06-2001, wherein certain instructions were given regarding the compassionate appointments. But the order does not disclose anything about the financial capacity of the family, the eligibility of the petitioner, the application made within time, etc., The request of the petitioner cannot be rejected on the basis of the principle laid down by the Supreme Court without listing out the merits regarding the claim of the petitioner for compassionate appointment.

5. In the light of the above circumstances, the proceedings of the 2nd respondent dated 07-05-2004 is set aside. The 2nd respondent is directed to take into consideration the entire information furnished by the petitioner and his mother and pass appropriate orders regarding his request for compassionate appointment by listing out the reasons regarding the eligibility or otherwise of the petitioner for the compassionate appointment within two months from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of. No order as to costs.

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September 2,2004

KVR

To

1. The Chairman & chief Executive Nuclear Fuel Complex, ECIL (Post) Government of India, Hyderabad
2. The Administrative Officer-III, Government of India, Department of Atomic Energy, NUCLEAR FUEL Complex, ECIL (Post) Hyderabad.
3. Two C.D.Copies.